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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NICKY WADE DAVIS,
#173073, PRO SE
PLAINTIFF

CIVIL ACTION;
2:06-CV-10-MEF

J.
SET. ROBERT BRYANT,
A.A. D.O.C., ET. AL.
DEFENDANT(S)

PLAINTIFF'S MOTION, PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE - RULE 37

COMES NOW THE PLAINTIFF, NICKY WADE DAVIS-173073, A STATE PRISONER, by and thru the assistance of THOMAS OTTEN ADAMS #100610, A STATE PRISONER, who being before this Honorable Court, THE UNITED STATES MAGISTRATE, JUDGE DELORES R. BOYD;

PLAINTIFF SEEKS THE BENEFIT OF THIS HONORABLE COURT'S, JURISDICTION, AUTHORITY AND THEREBY DISCRETION.

IN SUPPORT WHEREOF;

Plaintiff incorporates the ORDER of
MAGISTRATE JUDGE ROYD, filed on 5-25-2006,
Document # 27-1.

Plaintiff incorporates the ANSWER AND
OBJECTION filed on or about APRIL 21, 2006
AS IF FULLY RESTATED HEREIN.

Plaintiff incorporates, RE: DISCOVERABLE
EVIDENCE, Honorable J. MARY BLEDSOE, dated
and filed on or about APRIL 7, 2006, AS
IF FULLY RESTATED HEREIN.

Plaintiff incorporates the sworn affidavit
of Sgt. Robert Bryant, (EXHIBIT B), presumably
filed on or about MARCH 6, 2006, AS IF
FULLY RESTATED HEREIN.

Plaintiff REALLEGES THAT THIS sworn
affidavit is NOT BASED on truth, but a
fabrication.

Plaintiff incorporates the, ORDER of
MAGISTRATE JUDGE DELONES ROYD, dated
4-10-2006, Document # 24-1, AS IF

fully restated herein.

Plaintiff resubmits, before this Honorable Court, Plaintiff's - motion for Disclosure, Rule 26. Filed on or about May 16, 2006, as if fully restated herein, being for the purpose of granting this present motion.

Plaintiff states, that the ALABAMA DEPT. of Corrections, ENTERLING CORR. FACILITIES, AS WELL AS THE ALABAMA ASSISTANT ATTORNEY GENERAL, THE HONORABLE T. MATT BLODSOPE, THE INTELLIGENCE & INVESTIGATION DIVISION (ACA. D.O.C.) HAS HAD AMPLE OPPORTUNITY, THIS COURT'S ORDERS TO PRODUCE, BEING DENIED AND THEN IGNORED.

Plaintiff alleges that this form of action, or the lack thereof, is the tactic, strategy and maneuver of the ALABAMA D.O.C. TO PRODUCE AN UNFAIR ADVANTAGE AGAINST A PRISONER PRO SE.

PLAINTIFF DAVIS ASSERTS FURTHER THAT THE DEFENDANTS, HAVE FAILED TO, MAKE DISCLOSURE OR COOPERATE IN DISCOVERY, AS ORDERED, AND AS SUCH THE SEVERAL VIOLATIONS AND BREACH OF.

F. R. CIV. P. - #37, (3).

PLAINTIFF RESPECTFULLY REQUESTS THE ORDERS OF THIS HONORABLE COURT, THE REMEDIATION OF F.R. CIV. P. #37 (b) (1); (A), (B), (C), including but not limited to F.R. CIV. P. #37 (C) (4)., to issue a contempt of Court and/or Default Judgment for the Plaintiff.

Granting and AND ALL RELIEF THAT HAS BEEN REQUESTED, including the original Complaint, and AMENDMENT to Complaint, ANY OTHER RELIEF THAT THIS HONORABLE COURT, MAGISTRATE JUDGE DELORES S. BOYD, deems fair, just and equal, to the Plaintiff.

CERTIFICATE OF SERVICE

I, hereby certify, by oath and signature,
that I have served a copy of the foregoing
plaintiff's - motion - Rule 37, to the

ASSISTANT ATTORNEY GENERAL
HONORABLE T. MATT BLEDSOE
11 SOUTH UNION STREET
MONTGOMERY, ALA. 36130-0152

properly addressed, and first-class
postage being pre-paid, proper

DONE this 12 DAY of JUNE, 2006

x BECKY WARE DAVIS #173073

DICKY WARE DAVIS - 173073

SB-11 SEQ. UNIT.

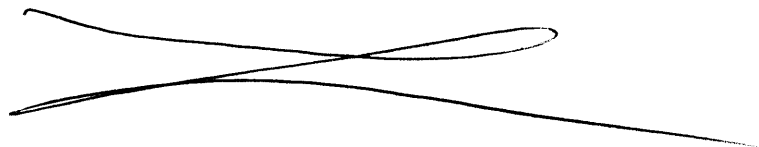
EXSTERLING CORR. FACILITY

200 WAUNAKEE DR.

CLIO, ALA. 36017

WITNESS:

Thomas Adams - 100612 - SB-8



ORIGINAL TO
U.S. DIST. CT.

JUNE 11, 2006
SUNDAY

RE: DISCOVERABLE EVIDENCE
HOW. T. MATT BLEDSOE

MR. BLEDSOE, SIR,

I am Ricky Davis - # 173073, A
STATE PRISONER, AT EASTERNING, HELD
IN THE SEGREGATION UNIT.

I AM ATTEMPTING TO SATISFY THE
REQUIREMENTS OF F.R.E. CIV. P. # 37 (2)(B),
"THE MOVANT MUST INCLUDE A CERTIFICATION
THAT THE MOVANT HAS IN GOOD FAITH CONFERRED
OR ATTEMPTED TO CONFER WITH THE PERSON
OR PARTY FAILING TO MAKE THE DISCOVERY
IN AN EFFORT TO SECURE THE INFORMATION
OR MATERIAL WITHOUT COURT ACTION"

AFTER BEING ORDERED BY MAGISTRATE JUDGE
BOYD ON 5-25-06, TO PRODUCE BY 6-9-2006,
FOR WHATEVER REASON, YOU HAVE FAILED.

I HAVE NOW ASKED THE FEDERAL COURT
TO INTERVIEW, PLEASE SEE THE ATTACHED
MOTION- RULE 37. Ricky Davis # 173073
RICKY DAVIS- 173073

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY, BY DATA AND SIGNATURE
THAT I HAVE SERVED A COPY OF THE NOW
FOREGOING PET DISCOVERABLE EVIDENCE -
T. MATT BLEDSOE - 6-11-2006, (SUNDAY)
TO THE ASSISTANT ATTORNEY GENERAL,
Hon. T. MATT BLEDSOE
ASSISTANT ATTORNEY GENERAL
11 SOUTH UNION STREET
MONT GOMERY, ALA. 36130-6152

properly addressed, and first-class
postage being pre-paid.

DONE this 12 DAY of JUNE, 2006

x RICHY DAVIS #173073
RICHY DAVIS - 173073
SB-11 E.C.F.
200 WALLACE DR,
CLID. ALA. 36017

WITNESS;

Thomas Adams - 100612